

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 1252

INTRODUCER: Senator Galvano

SUBJECT: Education

DATE: April 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Bouck</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**I. Summary:**

SB 1252 removes an obsolete date regarding the electronic individual education plan (IEP), and revises the membership of the Higher Educational Coordinating Council (HECC) and the date by which the Board of Governors of the State University System (BOG or board) must submit an annual accountability report. Specifically, the bill:

- Deletes the July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic IEP.
- Adds the Chancellor of Career and Adult Education to the HECC membership.
- Codifies March 15 as the deadline for the BOG to submit the board's annual accountability report.

The bill has no impact on state funds.

The bill takes effect on July 1, 2017.

**II. Present Situation:**

The Florida Legislature has enacted laws to make information related to a child's education available to his or her parent, and established mechanisms to improve the K-20 education accountability system.

**Individual Education Plans**

Federal law requires states to make a free appropriate public education<sup>1</sup> available to all children with disabilities residing in the state between the ages of 3 and 21, including children with

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<sup>1</sup> "Free appropriate public education" means services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state education agency; include an appropriate

disabilities who have been suspended or expelled from school.<sup>2</sup> As the state educational agency, the Florida Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.<sup>3</sup>

For each eligible child with a disability served by a school district, or other state agency that provides special education and related services directly, by contract, or through other arrangements, an individual education plan (IEP) or individualized family support plan<sup>4</sup> must be developed, reviewed, and revised.<sup>5</sup> In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.<sup>6</sup>

States receiving Individuals with Disabilities Education Act funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.<sup>7</sup> States must also provide students with disabilities and their parents with certain procedural safeguards, including:

- Notice of any proposal or refusal to change the student's identification, evaluation, or educational placement;
- The opportunity to present a complaint and to have an impartial due process hearing; and
- The right to keep the student in his or her current educational placement pending administrative or judicial review proceedings.<sup>8</sup>

A student with a disability and his or her parents also have the right to bring a civil action in state court, if they are aggrieved by the decision of the state administrative hearing officer relating to a due process hearing or alternative placement.<sup>9</sup>

In 2006,<sup>10</sup> the Legislature enacted legislation to require the DOE to develop and have an operating electronic IEP in place for potential statewide use by July 1, 2007. The law required

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preschool, elementary school, or secondary school education in the state; and are provided in conformity with an individualized education program. 20 U.S.C. s. 1401(9).

<sup>2</sup> 20 U.S.C. s. 1412(a).

<sup>3</sup> 34 C.F.R. s. 300.149.

<sup>4</sup> An Individualized Family Support Plan is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two (2) years or special education and related services to children with disabilities ages three (3) through five (5). Rule 6A-6.03029, F.A.C.

<sup>5</sup> Rule 6A-6.03028(3), F.A.C.

<sup>6</sup> 20 U.S.C. s. 1414(d)(3)(A) and (B).

<sup>7</sup> 20 U.S.C. s. 1412(a).

<sup>8</sup> 20 U.S.C. s. 1415(b), (c), (d), (e), (f), and (j). There is an exception to keeping a student in his or her current placement if it involves an alternative educational setting.

<sup>9</sup> 20 U.S.C. s. 1415(i)(2).

<sup>10</sup> Section 31, ch. 2006-74, L.O.F.

the statewide system to be developed collaboratively with school districts and include input from school districts at that time developing or operating electronic IEP systems.<sup>11</sup>

### **Higher Education Coordinating Council**

The Legislature created the Higher Education Coordinating Council (HECC or council) in 2010<sup>12</sup> to identify unmet needs; facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitate solutions to data issues identified by the Articulation Coordination Committee to improve the K-20 education performance accountability system.<sup>13</sup> The HECC includes the following members:<sup>14</sup>

- One member of the Board of Governors (BOG), appointed by the chair of the BOG.
- The Chancellor of the State University System.
- The Chancellor of the Florida College System.
- One member of the State Board of Education (SBE), appointed by the chair of the SBE.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The president of CareerSource Florida, Inc., or his or her designee.
- The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.
- Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.

The appointed members serve 2-year terms and the chair of the HECC is elected annually by a majority of the council members.<sup>15</sup>

### **State University System Accountability Process**

The Legislature has established a state university accountability process to provide for the systematic, ongoing evaluation of quality and effectiveness of state universities.<sup>16</sup> The accountability process is intended to monitor performance at the system level in each of the major areas of instruction, research, and public service.<sup>17</sup> Additionally, the accountability process is required to provide for the adoption of systemwide performance standards and performance goals through a collaborative effort involving state universities, the BOG, the Legislature, and the Governor's Office.<sup>18</sup>

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<sup>11</sup> Section 1003.576, F.S.

<sup>12</sup> Section 12, ch. 2010-78, L.O.F.

<sup>13</sup> Section 1004.015(1), F.S.

<sup>14</sup> *Id.* at (2), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1008.46, F.S.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

By March 15<sup>19</sup> of each year, the BOG must submit an annual accountability report<sup>20</sup> providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year.<sup>21</sup>

### III. Effect of Proposed Changes:

SB 1252 removes an obsolete date regarding the electronic individual education plan (IEP), and revises the membership of the Higher Educational Coordinating Council (HECC) and the date by which the Board of Governors of the State University System (BOG or board) must submit an annual accountability report.

#### Individual Education Plans

The bill deletes the July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic IEP.

#### Higher Education Coordinating Council

The bill adds the Chancellor of Career and Adult Education to the membership of the Higher Education Coordinating Council (HECC). This addition will likely strengthen representation of workforce education delivered by technical centers on the HECC, and improve coordination among various postsecondary education delivery systems.

#### State University System Accountability Process

The bill codifies March 15 as the deadline for the BOG to submit the board's annual accountability report.

The state university annual accountability report relies on data reported by state universities to the BOG's State University Database System,<sup>22</sup> and follow a reporting calendar. The March 15 deadline for submission of the annual accountability report would allow the BOG to include data for the preceding fall term regarding enrollment, degrees awarded, and retention, because such data are reported by the state universities to the BOG in January and February.<sup>23</sup> As such, the annual accountability report submitted by December 31 would not include the most recent fall term data for the specified indicators, which the state universities report to the BOG after

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<sup>19</sup> Consistent with the implementing bill for the 2015-2016 General Appropriations Act (GAA) (s. 12, ch. 2015-222, L.O.F.), the implementing bill for the 2016-2017 GAA (s. 10, ch. 2016-62, L.O.F.) modified the deadline for the Board of Governors to submit the annual accountability report from December 31 to March 15. This provision expires July 1, 2017, at which time the statutory deadline will revert to December 31.

<sup>20</sup> The 2014-2015 Annual Accountability Report was approved on March 17, 2016. Board of Governors *2014-2015 Annual Accountability Report*, available at [http://www.flbog.edu/resources/doc/accountability/ar\\_2014-15/2014\\_15\\_System\\_Accountability\\_Report\\_Summary\\_FINAL\\_2016-04-28.pdf](http://www.flbog.edu/resources/doc/accountability/ar_2014-15/2014_15_System_Accountability_Report_Summary_FINAL_2016-04-28.pdf).

<sup>21</sup> Section 1008.46(1), F.S.

<sup>22</sup> Email, Florida Board of Governors (March 16, 2017).

<sup>23</sup> *Id.*

December.<sup>24</sup> The change in the report submission deadline may result in the BOG's ability to submit the most recent available data to the Legislature and Governor.

The bill takes effect on July 1, 2017.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.576, 1004.015, and 1008.46.

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<sup>24</sup> Email, Florida Board of Governors (March 16, 2017).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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